

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	
UNITED STATES OF AMERICA)	
)	Criminal No.
)	
)	03-CR-10362 (PBS)
V.)	
)	
)	
SEAN STARK,)	
)	
Defendant.)	

The trial in this case is scheduled to begin on December 12, 2005. The government expects that one of its witnesses as to the existence of the marijuana conspiracy will be Fabian Ruiz. Ruiz is not cooperating with the government and the government will not have the opportunity to interview him prior to trial. In this case, Ruiz previously testified at a suppression hearing held on October 7, 2004. This testimony is obviously critical to the government's case, since Ruiz is expected to testify as to the same subject matter that he previously testified to at the suppression hearing, including his actions in planning the marijuana delivery, loading and securing the marijuana in the motor home in Arizona and to the approximate weight.

Since the end of August 2005, in anticipation of the originally scheduled September 26, 2005 trial date, the government has made repeated requests for the October 7, 2004 suppression hearing transcript to Marie Cloonan, the court reporter for that hearing. However, despite these repeated requests during the last

three months, the government has been unable to obtain a transcript of the October 7, 2004 suppression hearing from Ms. Cloonan.

Due to the importance of this transcript and to allow the government to prepare for trial, the government hereby asks the Court to enter an order specifically directing Ms. Cloonan to produce a complete transcript of the October 7, 2004 suppression hearing by no later than December 7, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: */s/ Jennifer Hay Zacks*

CYNTHIA W. LIE
JENNIFER HAY ZACKS
Assistant U.S. Attorneys

Dated: November 30, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Melvin Norris
260 Boston Post Road
Suite 9
Wayland, MA 01778

In addition, the following person was served with a copy of the foregoing document by hand:

Marie Cloonan
Moakley Federal Courthouse
One Courthouse Way
Room 5209
Boston, MA 02210

This 30th day of November, 2005.

/s/Jennifer Hay Zacks
Jennifer Hay Zacks
ASSISTANT UNITED STATES ATTORNEY